**C.J.'s Court**

Writ Petition No. 831 (M/B) of 2002

Mohamdeen ..... Petitioner

Versus

District Magistrate, Haridwar
And another..... Respondent

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**Hon'ble A.A. Desai, C.J**
**Hon'M.M. Ghildiyal, J.**

Heard Sri Arvind Vashustha, learned counsel for the petitioner and learned G.A.

By the instant petition, the petitioner has challenged the notice purported to have been issued u/s 3 of the U.P. Control of Goondas Act proposing externment of the petitioner from the district of Haridwar. The notice has enumerated various grounds and also referred crime numbers. The challenge put forth by Mr. Vashistha, learned counsel for the petitioner, is merely on the ground that the allegations are general in nature and more particularly the offences referred to have not been committed in the district of Haridwar. According to learned counsel, in view of the law laid down by the Full Bench of Allahabad High Court, such initiation is void ab initio and as such the proceedings can not continue.

With the assistance of the learned counsel, we have gone through the grounds submitted by the District Magistrate, Haridwar. There are various grounds which indicate the objectionable activities of the petitioner. No doubt some of the crimes referred to are in relation to the crimes committed in the adjacent districts. However, it all the more provides the competent jurisdiction to the District Magistrate, Haridwar to exercise power under section 3 of the Act, apparently for the reason that the powers are exercised to prevent threat to the public order and public tranquility. The proceedings being preventive in nature can be exercised on the ground of the authorities reason to believe threat to the public order. The grounds have also referred that because of the terror of the petitioner and particularly, he being a member of Gaffur Gang, the witnesses and the people do not come forward

to depose against his objectionable criminal activities. The petitioner is at liberty to reply to the ground of externment. However, looking to the nature of the activities and the grounds as formulated, we do not see any reason or ground vitiating notice issued under section 3 of the Act.

We, therefore, dismiss the petition.

**A.A. Desai,C.J** **M.M. Ghildiyal,J.**

Dt. 02.12.2002
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